

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

SHELBY ELLEBRACHT, individually and )  
on behalf of all others similarly situated, )

Plaintiff, )

v. )

WALMART INC., )

Defendant. )

Case No.: 4:20-cv-00361

**JURY TRIAL REQUESTED**

Removed from Circuit Court of  
Jackson County, Missouri

**NOTICE OF REMOVAL**

COMES NOW Defendant, WALMART INC. ("Walmart"), by and through its attorneys, BETH C. BOGGS and BOGGS, AVELLINO, LACH & BOGGS, L.L.C., pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, and for its Notice of Removal, states to the Court as follows:

1. This action entitled Shelby Ellebracht, Individually and on behalf of all others similarly situated v. Walmart Inc. was commenced in the Circuit Court of Jackson County, Missouri, on or about March 24, 2020.

2. The attached Petition was served upon Walmart Inc. on April 6, 2020.

3. The Plaintiff is a citizen of the State of Missouri and a resident of the State of Missouri. See Plaintiff's Petition.

4. Defendant, Walmart Inc. is a Delaware corporation, having its principal place of business in the State of Arkansas.

5. Defendant asserts that complete diversity exists, as Defendant is a citizen and resident of the State of Delaware and the State of Arkansas for purposes of federal

jurisdiction. See 28 U.S.C. § 1332(c)(1).

6. This is an action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, in that the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00 and is between citizens of different states. The Plaintiff claims injuries from an exploding candle. Specifically, the Petition alleges permanent scarring and disfigurement from a right thigh burn. The Petition also alleges loss of sensation around the burned area. Plaintiff also claims lost wages, emergency medical treatment, and additional treatment after the burn became infected.

7. Copies of all processes, pleadings, orders, records, and proceedings in Jackson County are attached to this Notice of Removal.

8. Defendant has filed this Notice of Removal within 30 days after the service of the Petition from which it was first ascertained that the case was removable.

9. Alternatively, Defendant asserts that the case is also removable as a class action under 28 U.S.C. § 1453.

WHEREFORE, Defendant, Walmart Inc., respectfully requests that this Court acknowledge jurisdiction over this action and allow removal thereto to this Court for determination of all issues involved herein.

**DEFENDANT DEMANDS TRIAL BY JURY**

Respectfully submitted,

**WALMART, INC.**

By: /s/ Beth C. Boggs

Beth C. Boggs, #43089

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**Attorneys for Defendant**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the United States District Court, Western District of Missouri, by using the Court's CM/ECF Electronic Filing System this 6th day of May, 2020, with an electronic copy to be served by e-mail upon the following:

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